

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: Hiroyuki ABURATANI et al.
Serial No.: 10/568,471
Filed: October 13, 2006
For: GENE OVEREXPRESSED IN CANCER
Examiner: Meera NATARAJAN
Grp Art Unit: 1643
Confirmation No.: 2970
Attorney Docket No.: 392.1004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 15 , 2010

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

S I R:

In accordance with Applicant's duty of disclosure under 37 C.F.R. §§ 1.56 and 1.97, Applicant hereby submits this Supplemental Information Disclosure Statement, including two (2) sheets of Form PTO-1449, for consideration by the Examiner in connection with the above-identified patent application.

References A4-A6 and B1 to B3 listed on sheets 1 and 2 of the accompanying PTO form 1449 were cited by the Examiner in an Office Action dated May 7, 2010 during the prosecution of corresponding Japanese Patent Application Serial No. 2005-513023. A copy of the Office Action dated May 7, 2010 issued in corresponding Japanese Patent Application Serial No. 2005-513023 is cited as reference B4 on sheet 2 of the accompanying PTO-1449 form.

With regard to JP H09-203734, also enclosed herewith is corresponding U.S. Patent No. 6,251,613 (A1).

With regard to WO 97/10333, enclosed herewith is corresponding European Patent No. 0857780 (A7).

With regard to WO 99/00495, enclosed herewith is corresponding European Patent No. 1016717 (A8).

The present Information Disclosure Statement is filed under 37 C.F.R. § 1.97(b) before the mailing of a first Office Action on the merits and under 37 C.F.R. (e)(1), as each item of information contained in the Information Disclosure Statement was first cited in an Office Action issued by the Japanese Patent Office on May 7, 2010 (i.e. a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement). Accordingly, it is believed that no fee is due. If it is determined that any fees are due, the Examiner is authorized to charge said fees to Attorney Deposit Account No. 50-0552.

Applicants respectfully request that the references cited in the accompanying PTO 1449 form be considered and made of record. Applicants respectfully submit that the pending claims are patentable over all of the references made of record at this time.

Respectfully submitted,
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